Case 1:13-cv-00074-YK Document 1-1 Filed 01/11/13 Page 1 of 1 CIVIL COVER SHEET

JS 44 (Rev. 09/11)

The JS 44 civil coverships are difficultion contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This film are trooped by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

EXECUTION ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS				DEFENDANTS	Andrew Cerett, Allied B	26'75
Emily Frazer				LLC, Allied Barton	Security Services, LLC;	Security Guard
(b) County of Residence of First Listed Plaintiff Cumberland (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence	of First Listed Defendant	Philadelphia
ىم	ACEFF BY U.S. FLABRITER CA	,	-	NOTE:		CASES, USE THE LOCATION OF
(c) Attorneys (Firm Name, Jason P. Kutulakis, Esq., Carlisle, PA 17013 (7) P, 2 West High St.	,	Attorneys (if Known)		
Π. BASIS OF JURISD	ICTION (Place an "X" i	n One Box Only)			RINCIPAL PARTIES	(Place on "X" in One Box for Plaintiff) and One Box for Defendant)
O 1 U.S. Government Plaintiff	Ø 3 Federal Question (U.S. Government)	Vot a Party)		For Diversity Cases Only) PT n of This State		PTF DEF rincipal Place
Defendant	☐ 4 Diversity (Indicate Citizenshi	p of Parties in Item III)	Citize	n of Another State . 🗇	2 2 Incorporated and of Business In	
			1	n or Subject of a Deign Country	3 🛘 3 Foreign Nation	□ 6 □ 6
IV. NATURE OF SUIT			The Property of the Property o	D DINTERD THOU AND	BANKRUPTCY	PER DECRES PARTIES
☐ 110 insurance	PERSONAL INJURY	PERSONAL INJUR		REFERENCE PERSONNELS 5 Drug Related Seizure	☐ 422 Appeal 28 USC 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury	.	of Property 21 USC 881	423 Withdrawal	☐ 400 State Reapportionment
130 Miller Act	315 Airplane Product	Product Liability 367 Health Care/	□ 69t	Other	28 USC 157	410 Antitrust 430 Banks and Banking
☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment	Liability 320 Assault, Libel &	Pharmaceutical			PROBERTY RIGHTS	
& Enforcement of Judgment	Slander	Personal Injury	-		820 Copyrights	☐ 460 Deportation
151 Medicare Act	330 Federal Employers' Liability	Product Liability 368 Asbestos Persons	.]		☐ 830 Patent ☐ 840 Tredemark	C) 470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Defaulted Student Leans	O 340 Marine	Injury Product	"		G 070 TIDDEMON	☐ 480 Consumer Credit
(Excl. Veterans)	345 Marine Product	Liability	A17.5	LABOR	SOCIAL SECURITY	
153 Recovery of Overpayment	Liability	PERSONAL PROPER	ETY D 711	Fair Labor Standards Act	☐ 861 HIA (1395ff) ☐ 862 Black Lung (923)	850 Securities/Commodities/ Exchange
of Veteran's Benefits 160 Stockholders' Suits	350 Motor Vehicle 355 Motor Vehicle	370 Other Fraud 371 Truth in Lending	D 72	Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	☐ 890 Other Statutory Actions
190 Other Contract	Product Liability	380 Other Personal	O 74	Railway Labor Act	3 864 SSID Title XVI	O 891 Agricultural Acts
195 Contract Product Liability	☑ 360 Other Personal	Property Damage		1 Family and Medical	☐ 865 RSI (405(g))	893 Environmental Matters 895 Freedom of Information
☐ 196 Franchise	Injury ☐ 362 Personal Injury -	385 Property Damage Product Liability		Leave Act Other Labor Litigation		Act Act
	Med. Malpractice			l Empl. Ret. Inc.		☐ 896 Arbitration
PERCEPTORERTY	THE PERIOR OF TH	PRISOSPACO PRIBATO	_	Security Act	BEDERAL TAX SUITS	899 Administrative Procedure
210 Land Condemnation	☐ 440 Other Civil Rights ☐ 441 Voting	510 Motions to Vacat Sentence	e		870 Taxes (U.S. Plaintiff or Defendant)	Act/Review or Appeal of Agency Decision
220 Foreclosure 230 Rent Lesse & Ejectment	1 441 Voting	Habeas Corpus:	İ		5 871 IRS-Third Party	950 Constitutionality of
240 Torts to Land	1 443 Housing/	☐ 530 General	L		26 USC 7609	State Statutes
245 Tort Product Liability	Accommodations	O 535 Death Penalty		IMMIGRATION		1
290 All Other Real Property	445 Amer. w/Disabilities - Employment	 540 Mandamus & Ot 550 Civil Rights 		2 Naturalization Application 3 Habeas Corpus -		
	446 Amer. w/Disabilities -	☐ 555 Prison Condition		Alien Detainee		1
	Other	☐ 560 Civil Detainee -		(Prisoner Petition)		
	448 Education	Conditions of Confinement	J. 46	5 Other Immigration Actions		1
☐ 1 Original ☐ 2 Re		Remanded from DAppellate Court	J 4 Rein: Reop	stated of LD 3 anothe	ierred from 6 Multidist or district Litigatio	
Troccome Dia	Cite the U.S. Civil Sta	tute under which you a		ened (specifi Do not cite jurisdictional sta		
VI. CAUSE OF ACTIO	Deter describition or ca	use:	on Envir	onment; Harassmen	t hased on sex	
VII. REQUESTED IN		IS A CLASS ACTIO		EMAND \$		y if demanded in complaint:
COMPLAINT:	UNDER F.R.C.P.				JURY DEMAND	
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKET NUMBER	
DATE		SIGNATURE OF A	TORNEY	OF RECORD		
1-10-13	ada	Muluk	\gtrsim	>		
FOR OFFICE USE ONLY	AOTENT.	Adult Atorio and		unar	W16 "	IDGE
RECEIPT # AN	MOUNT (,	APPLYING IFP		JUDGE	MAG. JU	DOE

	RICT COURT Le Di Strict of PA > 5 e used by counsel to indicate the category of the case	15/13 se for the purpose of
assignment to appropriate calendar.	13	2675
Address of Plaintiff: The Address of Plainti	1. 1. bo 1 1947	0
Address of Defendant: The adesputa 1817 J Con	shoporter, pr 1172	<u> </u>
Place of Accident, Incident or Transaction: (Use Reverse Side For Accident Side For	dditional Space)	
Does this civil action involve a nongovernmental corporate party with any parent corporation as	nd any publicly held corporation owning 19% or more	of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))	Yes□ Not\$	
Does this case involve multidistrict litigation possibilities?	Yes□ No(P)	
RELATED CASE, IF ANY: Case Number: Judge		
Case Number: Judge	Date Terminated:	
Civil cases are deemed related when yes is answered to any of the following questions:		
1. Is this case related to property included in an earlier numbered suit pending or within one ye		
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior si	Yes No	
2. Does this case involve the same issue of fact of grow out of the same transaction as a prior saction in this court?	ant pending of within one year previously terminated	
	Yes□ No□	
3. Does this case involve the validity or infringement of a patent already in suit or any earlier n	umbered case pending or within one year previously Yes□ No□	
terminated action in this court?	Yesu Nou	
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil right	s case filed by the same individual?	
	Yes□ No□	
CIVIL: (Place in ONE CATEGORY ONLY)		
A. Federal Question Cases:	B. Diversity Jurisdiction Cases:	
1. □ Indemnity Contract, Marine Contract, and All Other Contracts	1. Insurance Contract and Other Co	ontracts
2. □ FELA	2. □ Airplane Personal Injury	
3. □ Jones Act-Personal Injury	3. □ Assault, Defamation	
4. □ Antitrust	4. □ Marine Personal Injury	
5. □ Patent	5. □ Motor Vehicle Personal Injury	
6. □ Labor-Management Relations	6. □ Other Personal Injury (Please sp	ecify)
7 (X)Civil Rights	7. Products Liability	,,
8. Habeas Corpus	8. Products Liability — Asbestos	
9. Securities Act(s) Cases	9. □ All other Diversity Cases	
10. □ Social Security Review Cases	(Please specify)	
11. All other Federal Question Cases	(Frease specify)	
(Please specify)		
ARBITRATION CERT	ntegory)	
I,, counsel of record do hereby certif Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and I		e exceed the sum of
\$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.		
DATE:		
Attorney-at-Law	Attorney I.D.#	
NOTE: A trial de novo will be a trial by jury only if then	*	MAY 1 5 2013
I certify that, to my knowledge, the within case is not related to any case now pending or v	within one year previously terminated action in this	court
except as noted above.	\	- 4
DATE: 5/15/13 Steve Tomas	Deputy	Clerk
/ Attorney-at-Law	Attorney I.D.#/	

Transfe from the Middle District of PA 75/15/13

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Emily Fra	zer :	CIVIL A	CTION
v.	:	13	2675
Temple Uni	versity, Ital,	NO.	
In accordance with the Civil plaintiff shall complete a Cas filing the complaint and serve side of this form.) In the e designation, that defendant s	I Justice Expense and Dese Management Track Dese a copy on all defendants went that a defendant do hall, with its first appearaties, a Case Management	elay Reduction Plan of this casignation Form in all civil cases. (See § 1:03 of the plan set for estantial the plaintience, submit to the clerk of cases. Track Designation Form specially in the cases.	ases at the time of orth on the reverse of regarding said ourt and serve on
SELECT ONE OF THE FO	OLLOWING CASE MA	NAGEMENT TRACKS:	
(a) Habeas Corpus - Cases b	prought under 28 U.S.C.	§ 2241 through § 2255.	()
(b) Social Security - Cases r and Human Services den		cision of the Secretary of He urity Benefits.	alth ()
(c) Arbitration – Cases requi	ired to be designated for	arbitration under Local Civil	Rule 53.2. ()
(d) Asbestos – Cases involvi exposure to asbestos.	ing claims for personal in	jury or property damage from	m ()
commonly referred to as	complex and that need s	tracks (a) through (d) that are pecial or intense managemen ailed explanation of special	
(f) Standard Management –	Cases that do not fall inte	o any one of the other tracks.	
5 15 13 Date	Steve Toma Attorney-at-law	Attorney for	ty Clerk
Telephone	FAX Number	E-Mail Add	ress

(Civ. 660) 10/02



CLOSED, HBG, SPADFORM

United States District Court Middle District of Pennsylvania (Harrisburg) CIVIL DOCKET FOR CASE #: 1:13-cv-00074-YK

13 2675

Frazer v. Temple University et al Assigned to: Chief Judge Yvette Kane Cause: 42:1983 Civil Rights Act Date Filed: 01/11/2013
Date Terminated: 05/15/2013

Jury Demand: Both

Nature of Suit: 360 P.I.: Other Jurisdiction: Federal Question

Plaintiff

Emily Frazer

represented by Jason P. Kutulakis

Abom & Kutulakis 2 West High Street Carlisle, PA 17013 (717) 249-0900 Email: jpk@abomkutulakis.com LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lauren E. Hokamp

Abom & Kutulakis, LLP
2 West High Street
Carlisle, PA 17013
717-249-0900
Email: leh@abomkutulakis.com

ATTORNEY TO BE NOTICED

V.

Defendant

Temple University

represented by Karen P. Gaster

Rubin, Fortunato & Harbison PC 10 S. Leopard Road Paoli, PA 19301 610.408.2017 Email: kgaster@rubinfortunato.com ATTORNEY TO BE NOTICED

Paul J. Sopher

Rubin, Fortunato & Harbison PC 10 South Leopard Road Paoli, PA 19301 610.408.2052 Email: psopher@rubinfortunato.com ATTORNEY TO BE NOTICED

Defendant

Andrew Cerett

Defendant

Allied Barton Security Services, LLC TERMINATED: 03/11/2013

represented by John T. Donovan

Rawle & Henderson LLP One South Penn Square Widener Building Philadelphia, PA 19107 215-575-4200 TERMINATED: 03/11/2013 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Michael T. Traxler

Rawle & Henderson LLP
Payne Shoemaker Building, 9th Floor
240 North 3rd Street
Harrisburg, PA 17101
717-234-7700
Email: mtraxler@rawle.com
TERMINATED: 03/11/2013
ATTORNEY TO BE NOTICED

Defendant

Allied Barton Security Services, LLC; Security Guard

Date Filed	#	Docket Text	
01/11/2013	1	COMPLAINT - N/C to cnsl.; jury trial demanded. (Filing fee \$350, Receipt Number 2670509) (Attachments: # 1 Civil Cover Sheet)(jc) (Entered: 01/11/2013)	
01/11/2013	2	SUMMONS ISSUED as to All Defendants and provided TO ATTORNEY ELECTRONICALLY VIA ECF for service on Defendant(s) in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). (jc) (Entered: 01/11/2013)	
01/11/2013	3	Letter to counsel RE: Case Assignment and Procedures. Signed by Chief Judg Yvette Kane on 1/11/13. (rc) (Entered: 01/14/2013)	
02/01/2013	4	WAIVER OF SERVICE Returned by Emily Frazer. Temple University waiver sent on 1/21/2013, answer due 3/22/2013. (Kutulakis, Jason) (Entered: 02/01/2013)	
02/08/2013	<u>5</u>	NOTICE of Appearance by Karen P. Gaster on behalf of Temple University	

		(Gaster, Karen) (Entered: 02/08/2013)	
02/08/2013	<u>6</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by Temple University. (Gaster, Karen) (Entered: 02/08/2013)	
02/12/2013	7	NOTICE of Appearance by Paul J. Sopher on behalf of Temple University (Sopher, Paul) (Entered: 02/12/2013)	
02/12/2013	8	NOTICE of Appearance by Michael T. Traxler on behalf of Allied Barton Security Services, LLC (Traxler, Michael) (Entered: 02/12/2013)	
02/12/2013		SPECIAL ADMISSION FORM AND ECF REGISTRATION FORM SENT to John T. Donovan. (jc) (Entered: 02/12/2013)	
02/14/2013	9	NOTICE of Appearance by Lauren E. Hokamp on behalf of Emily Frazer (Hokamp, Lauren) (Entered: 02/14/2013)	
02/20/2013		SPECIAL ADMISSION AND ECF REGISTRATION FORMS SENT to Karen P. Gaster. (pjr) (Entered: 02/20/2013)	
02/20/2013		SPECIAL ADMISSION AND ECF REGISTRATION FORMS SENT to Paul Sopher. (pjr) (Entered: 02/20/2013)	
02/20/2013	10	MOTION to Transfer Case to the Eastern District of Pennsylvania by Temple University. (Attachments: # 1 Brief in Support of Motion to Transfer Venue, # 2 Exhibit(s) A, # 3 Exhibit(s) B (Unpublished Opinions), # 4 Proposed Order) (Sopher, Paul) (Entered: 02/20/2013)	
02/22/2013		DOCKET ANNOTATION: COUNSEL is advised that Document 10 filed 2/20/13 contains the brief in support of the motion. The brief in support is to be REDOCKETED as a separate document using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES (BRIEFS). (jc) (Entered: 02/22/2013)	
02/22/2013	11	BRIEF IN SUPPORT re 10 MOTION to Transfer Case to the Eastern District of Pennsylvania filed by Temple University. (Sopher, Paul) (Entered: 02/22/2013)	
03/05/2013	12	BRIEF IN OPPOSITION re 10 MOTION to Transfer Case to the Eastern District of Pennsylvania filed by Emily Frazer.(Kutulakis, Jason) (Entered: 03/05/2013)	
03/06/2013		DOCKET ANNOTATION: COUNSEL is advised that a certificate of service is to be DOCKETED in reference to Document 12 filed 3/5/13. (jc) (Entered: 03/06/2013)	
03/07/2013	<u>13</u>	ANSWER to 1 Complaint with Separate Defenses by Allied Barton Security Services, LLC.(Traxler, Michael) (Entered: 03/07/2013)	
03/07/2013	<u>14</u>	CERTIFICATE of by Emily Frazer re 12 Brief in Opposition to Motion to Transfer Venue. (Kutulakis, Jason) (Entered: 03/07/2013)	
03/08/2013	<u>15</u>	STIPULATION of Dismissal of Allied Barton Security Service, LLC by Emily Frazer. (Kutulakis, Jason) (Entered: 03/08/2013)	
03/11/2013	<u>16</u>	ORDER - IT IS AGREED BY AND BETWEEN the parties that 15 Allied	

		Barton Security Services, LLC is DISMISSED from this matter with prejudice. Signed by Chief Judge Yvette Kane on March 11, 2013. (sc) (Entered: 03/11/2013)	
03/14/2013	<u>17</u>	REPLY BRIEF re 10 MOTION to Transfer Case to the Eastern District of Pennsylvania filed by Temple University. (Attachments: # 1 Exhibit(s) Exhibit A (Email from Cerett), # 2 Exhibit(s) Exhibit B (Plaintiff's Facebook page)) (Gaster, Karen) (Entered: 03/14/2013)	
03/18/2013	<u>18</u>	MOTION to Exceed Page Limitation by Temple University. (Attachments: # 1 Proposed Order)(Gaster, Karen) (Entered: 03/18/2013)	
03/20/2013	<u>19</u>	WAIVER OF SERVICE Returned by Emily Frazer. Andrew Cerett waiver sent on 3/15/2013, answer due 5/14/2013. (Kutulakis, Jason) (Entered: 03/20/2013)	
03/20/2013	20	ORDER - IT IS HEREBY ORDERED that the <u>18</u> Motion for Leave to File Excess Pages is GRANTED. Temple's brsup of its motion to dismiss is not to exceed 45 pages. Signed by Chief Judge Yvette Kane on March 20, 2013. (sc) (Entered: 03/20/2013)	
03/22/2013	21	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> by Temple University. (Attachments: # 1 Proposed Order)(Sopher, Paul) (Entered: 03/22/2013)	
03/22/2013	22	BRIEF IN SUPPORT re <u>21</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> filed by Temple University. (Attachments: # <u>1</u> Unpublished Opinion(s) (1 of 2), # <u>2</u> Unpublished Opinion(s) (2 of 2))(Sopher, Paul) (Entered: 03/22/2013)	
04/05/2013	23	BRIEF IN OPPOSITION re <u>21</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> filed by Emily Frazer. (Attachments: # <u>1</u> Certificate of Compliance, # <u>2</u> Exhibit(s), # <u>3</u> Certificate of Service)(Kutulakis, Jason) (Entered: 04/05/2013)	
04/19/2013	24	REPLY BRIEF re <u>21</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> filed by Temple University. (Attachments: # <u>1</u> Unpublished Opinion(s))(Sopher, Paul) (Entered: 04/19/2013)	
05/14/2013	<u>25</u>	MOTION for Default Judgment as to <i>Defendant Andrew Cerett</i> by Emily Frazer. (Attachments: # 1 Proposed Order, # 2 Exhibit A, # 3 Exhibit B, # 4 Certificate of Service)(Kutulakis, Jason) (Entered: 05/14/2013)	
05/14/2013	<u>26</u>	REQUEST FOR ENTRY OF DEFAULT by Emily Frazer. (Attachments: # 1 Proposed Order, # 2 Exhibit A, # 3 Exhibit B, # 4 Certificate of Service) (Kutulakis, Jason) (Entered: 05/14/2013)	
05/15/2013	27	Clerk's ENTRY OF DEFAULT as to Andrew Cerett for failure to plead or otherwise defend. Signed by Deputy Clerk on 5/15/13. (pw) (Entered: 05/15/2013)	
05/15/2013	28	ORDER - IT IS HEREBY ORDERED that the <u>10</u> Motion to Transfer Venue is GRANTED and this action is TRANSFERRED to USDC for EDPA. Signed by Chief Judge Yvette Kane on May 15, 2013. (sc) (Entered: 05/15/2013)	

05/15/2013

DOCKET ANNOTATION: This case has been electronically transferred to the ED of PA today. (jw) (Entered: 05/15/2013)

PACER Service Center				
Transaction Receipt				
05/16/2013 10:39:41				
PACER Login:	us4447	Client Code:		
Description:	Docket Report	Search Criteria:	1:13-cv-00074-YK	
Billable Pages:	3	Cost:	0.30	